

House Judiciary Committee Amendment #1 and #1 to #1

AMENDMENT NO. _____

Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Joint Resolution No. 41*

by deleting the resolution in its entirety and by substituting instead the following:

A RESOLUTION memorializing the U.S. Congress to amend the United States Constitution to remove Federal Judges for "dereliction of duty" as well as high crimes and misdemeanors.

WHEREAS, in 1976, the United States Supreme Court ruled to allow the several states to impose the death penalty as punishment for certain crimes; and

WHEREAS, Tennessee has had a constitutional death penalty statute since 1977; and

WHEREAS, during the last twenty years, Tennessee has not carried out a single death penalty sentence, in part because of lengthy habeas corpus proceedings by death row inmates and the inaction of the federal court system; and

WHEREAS, most recently, the Honorable John T. Nixon, U.S. District Court Judge for the Middle District of Tennessee, has overturned the capital convictions of four (4) of Tennessee's most heinous convicted killers; and

WHEREAS, in overturning these four (4) convictions, Judge Nixon has continued a pattern of judicial conduct that raises an issue as to his bias against capital punishment; and

WHEREAS, during his tenure on the U.S. District Court for the Middle District of Tennessee, Judge Nixon has continually delayed ruling on capital cases before his court; and

WHEREAS, he has also repeatedly reversed the convictions and/or sentences of many capital cases which were tried and adjudicated years ago, making it difficult for such cases to be retried; and

WHEREAS, the State of Tennessee Attorney General has even filed a petition for writ of mandamus against Judge Nixon to expedite a death penalty matter in a particular case that languished in his court; Now, Therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That this General Assembly hereby memorializes the House of

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AMEND Senate Joint Resolution No. 41*

Representatives and Senate of the U.S. Congress to consider amending the United States Constitution to remove Federal Judges for “dereliction of duty”, and not just “high crimes and misdemeanors,” in order to ensure that judges act with due dispatch and care in carrying out their duties on appeals of capital cases and other habeas corpus matters, and writs of mandamus.

BE IT FURTHER RESOLVED, That this General Assembly hereby memorializes the House of Representatives of the United States Congress to thoroughly and timely investigate whether grounds exist to impeach John T. Nixon, Judge for the United States District Court for the Middle District of Tennessee, in accordance with the United States Constitution, and if such grounds exist, then to initiate proceedings to impeach Judge John T. Nixon in accordance with the United States Constitution.

BE IT FURTHER RESOLVED, That the Chief Clerk of the Senate is directed to transmit certified copies of this resolution to the Speaker and the Clerk of the U.S. House of Representatives, the President and the Secretary of the U.S. Senate, the Clerk of the U.S. Supreme Court, and to each member of the Tennessee delegation to the U.S. Congress.

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